

dollar threshold requiring synopsis or altering the scope of the proposed acquisition so that increased interest of contractors can be reasonably anticipated must be published in the *Commerce Business Daily*.

Subpart 505.3—Synopsis of Contract Awards

505.303 Announcement of contract awards.

By complying with 505.303-70 contracting officers automatically fulfill the reporting requirements of FAR 5.303(a).

505.303-70 Notification of proposed substantial awards and awards involving Congressional interest.

(a) *Applicability*. The notification procedures in (b), below, apply only to proposed award involving:

(1) A contract with the Small Business Administration (the 8(a) program) exceeding or estimated to exceed \$100,000.

(2) A supply contract exceeding or estimated to exceed \$500,000 (except for (i) motor vehicles, (ii) products whose points of origin are not readily identifiable, or (iii) products involving foreign production points).

(3) A design (Architect/Engineer) contract or construction contract exceeding or estimated to exceed \$500,000.

(4) Any other contract, or class of contract, in excess of \$100,000 for which a Member of Congress has specifically requested notification of award.

(b) *Notification procedures*. (1) The Office of Congressional and Intergovernmental Affairs (S) will notify the heads of contracting activities in writing with the names of Members of Congress who wish to be notified of any or all contract awards in excess of \$100,000 to contractors located within their district or State, as applicable. Upon such notification, the contracting activities will provide, via electronic mail, facsimile or hand delivery applicable notices of award to S. A copy of the submittal should be provided to the regional congressional liaison office.

(2) Except for submittals hand delivered to S, the submittal must be made by electronic mail or facsimile transmission. Except for contracts awarded

under urgent and compelling circumstances, notification to S of an award must be made on the same day that the award is made and 24 hours before telephonic notice (if applicable) is provided to the contractor. If the time-frame for notification to S cannot be met, the Contracting Director must notify S by telephone.

(3) The notification to S must:

(i) Describe the supplies or services acquired and the duration of the contract period.

(ii) Identify the type of contract and contractor using the following codes:

(A) *DO* for definite quantity contract.

(B) *SC* for schedule contract.

(C) *TC* for indefinite delivery contract other than schedule.

(D) *S* for small business concern.

(E) *SD* for small disadvantaged business concern.

(F) *WO* for women-owned small business concern.

(G) *O* for other than a small business concern.

(iii) Include the contractor's name and address (including county and Congressional district, if known) and indicate the dollar value of the contract for each production point. When there are multiple production points and specific items, and their points of production are not shown, or when the number of production points exceed 10, write "multiple" and indicate immediately after, in parentheses, the total number of production points.

(iv) Indicate the quantity and unit, in parentheses, for definite quantity awards by production point. Indicate the name of the receiving agency next to the applicable quantity and identify the requirement or portion thereof for overseas use.

(v) Provide the name (where available) and telephone number for a point-of-contact for each award recipient and each production point.

(vi) Include the following statement when Congressional interest is involved.

"Congressional Interest: (*Name of Congressman/Senator*)
(*Indicate State/District*)
(*Describe interest*)"

(vii) Provide the contracting officer's name and telephone number for each award.

(4) The notification to S will contain sensitive preaward information and should be labeled accordingly. S and regional Congressional liaison offices will be responsible for the security of such information and will establish procedures governing the release of such information before official notification of award. Unless otherwise authorized by the contracting officer, the release of such information prior to award shall be limited to Members of Congress and their staff.

(c) *Release of awards.* (1) Release of notifications which require priority processing as determined by the Associate Administrator for Congressional Affairs will be accomplished at the time and date specified.

(2) Unless notified to the contrary, contracting activities may release awards of the type described in (a) and (b) of this section, or information pertinent thereto, upon the expiration of two full workdays (48 hours) after the time and date of notification to S established either by the facsimile transmission or hand delivery.

[54 FR 26503, June 23, 1989, as amended at 54 FR 29722, July 14, 1989; 54 FR 40060, Sept. 29, 1989; 55 FR 39974, Oct. 1, 1990; 60 FR 42802, Aug. 17, 1995; 61 FR 1150, Jan. 17, 1996]

Subpart 505.4—Release of Information

505.403 Requests from Members of Congress.

When responding to a Congressional inquiry would result in disclosure of classified material, confidential business information, proprietary or source selection information as defined in FAR 3.104-4 or information prejudicial to a competitive acquisition, the contracting officials shall consult with assigned legal counsel, refer the proposed reply to the head of the contracting activity (HCA), include the caution notice prescribed in 503.104-5(d)(6) in the response, and inform the Office of Congressional Affairs of the action taken.

[55 FR 39974, Oct. 1, 1990]

Subpart 505.5—Paid Advertisements

505.502 Authority.

(a) *Newspapers.* Written approval from the HCA or a designee is required for paid newspaper advertisements, except when such publication is required by the FAR or the GSAR (see 505.101(c)). The contracting officer shall document the contract file with the regulatory citation or written approval to support the use of paid newspaper advertisements.

(b) *Other media.* Advance approval is not required to place paid advertisements in media other than newspapers.

505.503 Procedures.

The GSA Form 300, Order for Supplies or Services, must be used instead of the Optional Form 347, Order for Supplies and Services, when the dollar amount of the acquisition does not exceed the simplified acquisition threshold or when issuing a delivery order under a basic ordering agreement with an advertising agency for an advertisement.

[54 FR 26502, June 23, 1989, as amended at 60 FR 42802, Aug. 17, 1995]

505.504 Use of advertising agencies.

The services of commercial advertising agencies may be used whenever it is determined that the services rendered by those agencies can increase competition for contracts and improve the effectiveness of GSA advertising and marketing programs.

PART 506—COMPETITION REQUIREMENTS

Subpart 506.2—Full and Open Competition after Exclusion of Sources

Sec.

506.202 Establishing or maintaining alternative sources.

Subpart 506.3—Other Than Full and Open Competition

506.302 Circumstances permitting other than full and open competition.

506.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

506.202

506.303 Justifications.
506.303-1 Requirements.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 54 FR 26504, June 23, 1989, unless otherwise noted.

Subpart 506.2—Full and Open Competition After Exclusion of Sources

506.202 Establishing or maintaining alternative sources.

The heads of contracting activities (HCA's) sign determinations and findings under FAR 6.202.

Subpart 506.3—Other than Full and Open Competition

506.302 Circumstances permitting other than full and open competition.

506.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

A class justification has been established for the acquisition of utility services (except electric utility services) that are available from only one source. A copy of the class justification may be obtained from the GSA Acquisition Policy Division (MVP). The contract file for each action taken under the justification must contain a signed statement by the contracting officer that the action taken is within the scope of the class justification and approval.

[55 FR 48847, Nov. 23, 1990, as amended at 61 FR 39088, July 26, 1996]

506.303 Justifications.

506.303-1 Requirements.

The contracting officer should determine whether the facts supporting other than full and open competition would be present in other GSA contracting activities. If the facts would be present, the contracting officer should recommend through appropriate channels that the Deputy Associate Administrator for Acquisition Policy approve a class justification for use by all GSA contracting activities.

[54 FR 26504, June 23, 1989, as amended at 61 FR 39088, July 26, 1996]

48 CFR Ch. 5 (10-1-96 Edition)

PART 507—ACQUISITION PLANNING

Subpart 507.1—Acquisition Plans

Sec.

507.101 Definitions.
507.102 Policy.
507.103 Agency head responsibilities.
507.104 General procedures.
507.105 Contents of written acquisition plans.

Subpart 507.3—Contractor Versus Government Performance

507.307 Appeals.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 54 FR 26504, June 23, 1989, unless otherwise noted.

Subpart 507.1—Acquisition Plans

507.101 Definitions.

Comprehensive acquisition plan means a plan which covers the acquisition process from identification of agency need through contract performance and administration.

Limited acquisition plan means a detailed plan which covers the acquisition process from receipt of a purchase request or advanced notice of the need by the contracting office through contract award.

507.102 Policy.

(a) All acquisitions exceeding the simplified acquisition threshold must have a limited acquisition plan unless a comprehensive acquisition plan is required under GSA Order, Comprehensive Acquisition Planning (APD 2800.13A). Priced options must be included when determining the dollar threshold. An acquisition plan must be prepared before exercise of unpriced and/or unevaluated options exceeding the simplified acquisition threshold.

(b) No solicitation may be issued until either a comprehensive acquisition plan or a limited acquisition plan has been prepared or the requirement waived under GSA Order APD 2800.13A or 507.104(d). A contract may not be entered into without full and open competition on the basis of a lack of acquisition planning or concerns related to

General Services Administration

507.307

the amount of funds available to the acquisition.

[55 FR 28631, July 12, 1990, as amended at 60 FR 42802, Aug. 17, 1995]

507.103 Agency head responsibilities.

The head of the contracting activity (HCA) shall ensure that, during the acquisition planning phase, requirements personnel consider the use of the metric system of measurement consistent with 15 U.S.C. 205 *et seq.* (See 48 CFR 511.002), GSA Order, GSA Metric Program (ADM 8000.1A) and GSA Metric Transition Plan. Use of the metric system must be coordinated with the contracting officer and be consistent with security, operational, economic, technical, logistical, training, and safety requirements.

[56 FR 2864, Jan. 25, 1991, as amended at 61 FR 6165, Feb. 16, 1996]

507.104 General procedures.

(a) Policies and procedures for comprehensive acquisition plans are in GSA Order, Comprehensive Acquisition Planning (APD 2800.13A).

(b) The contracting officer shall be responsible for preparing a limited acquisition plan. Limited plans must be reviewed and approved at least one level above the individual writing the plan unless the requirement is received in the last month of the fiscal year and award is anticipated during the same month. In those cases, the plan must be reviewed and approved at a level no lower than the contracting director. The head of the contracting activity (HCA) may require review and approval at a higher level.

(c) Limited plans must be in writing, unless waived under paragraph (d) of this section.

(d) The contracting director may waive the requirement for a written limited acquisition plan (1) for recurring annual acquisitions or (2) in cases of unusual or compelling urgency. The individual responsible for preparing the plan shall present (as a minimum) an oral plan to at least the next higher level for approval. The file must summarize the content of the oral plan and the name of the individual that approved it. In cases of unusual or compelling urgency, the summary must

also indicate the nature of the urgency and may be prepared after award when preparation before award would unreasonably delay the acquisition. The summary may be included in the justification required by FAR 6.302-2(c).

(e) Acquisition plans for contracts which propose using other than full and open competition must be coordinated with and concurred in by the cognizant competition advocate unless the proposed contract will be awarded under the authority at FAR 6.302-5 or will be awarded under a class justification approved by the Associate Administrator for Acquisition Policy.

[54 FR 26504, June 23, 1989, as amended at 55 FR 28631, July 12, 1990; 60 FR 42802, Aug. 17, 1995; 61 FR 54955, Oct. 27, 1995]

507.105 Contents of written acquisition plans.

(a) The specific content of a plan will vary depending on the nature of the acquisition and the dollar value involved. HCA's may authorize:

(1) Development of standard plan outlines meeting the needs of individual programs;

(2) Substitution of automated plans which adequately address individual elements;

(3) Modification of the suggested information for limited acquisition plans by deleting inapplicable elements or adding new ones as needed.

(b) The outline in FAR 7.105 must be used as the basis for comprehensive acquisition plans required under GSA Order APD 2800.13A. If an element does not apply, it must be so annotated. Elements may be added to the outline as appropriate. It is suggested that a limited acquisition plan include the information cited below.

[54 FR 26504, June 23, 1989, as amended at 55 FR 28631, July 12, 1990]

Subpart 507.3—Contractor Versus Government Performance

507.307 Appeals.

Appeal procedures are in GSA Order, Implementation of the OMB Circular A-76 Productivity Improvement Program (ADM P. 5400.40).